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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,749	05/02/2007	Marcel Boosten	NL040119	5778

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER

FONTENOT, NIGEL RAI

ART UNIT	PAPER NUMBER
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3768

MAIL DATE	DELIVERY MODE
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05/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,749	Applicant(s) BOOSTEN, MARCEL	
	Examiner NIGEL FONTENOT	Art Unit 3768	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the application filed August 7, 2006. Applicant's preliminary amendment filed August 7, 2006 has been entered. Claims 1-17 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gilboa et al. (US 6226543).

3. Addressing claims 1-17, Gilboa discloses a method and system for generating a spatial roadmap representing an envisaged trajectory of an interventional device within a target organ (see col. 9 lines 30-49 and col. 13 lines 32-46) using an x-ray or MRI (see col. 6 lines 50-56) within an organ (see col. 1 lines 19-45 and claim 12), the system including a data acquisition system and navigation means (see (50) in fig. 1) arranged to perform said method comprising the steps of: acquiring image data of detectable markers arranged within the target organ (see col. 9 lines 50-67 and col. 10 lines 4-39); constructing a motion-corrected target organ-oriented three-dimensional coordinate system using said image data (see col. 10 lines 4-39); deriving a respective spatial

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position information of the detectable markers within the motion-corrected target organ-oriented three-dimensional coordinate system (see col. 10 lines 4-39); constructing the spatial roadmap within the target organ by interrelating the respective spatial position information of the detectable markers (see col. 10 lines 4-39); acquiring a set of readings at their respective measurement locations within the target organ using an interventional measurement catheter (see col. 10 lines 4-39); presenting the set of readings on the spatial roadmap (see col. 10 line 39-col. 11 line 3); acquiring further image data of a displaceable catheter in the target organ for a dwell position of the displaceable catheter (see col. 10 lines 4-39 and col. 12 lines 1-31), said displaceable catheter comprising further detectable markers, said further image data comprising images of detectable markers and further detectable markers (see col. 10 lines 4-39); deriving further respective spatial position information of the further detectable markers of the displaceable catheter within the motion-corrected target-organ oriented three-dimensional coordinate system (see col. 10 line 39-col. 11 line 3), matching further respective spatial position information to the spatial roadmap automatically (see col. 11 lines 20-63), further comprising the computation means arranged to control the navigation means in order to conform the further spatial information to the spatial roadmap (see col. 13 lines 31-67), further comprising a user interface arranged to feedback a three-dimensional image of the spatial roadmap and the spatial position of the catheter and/or the displaceable catheter, wherein the user interface is arranged to present a further three-dimensional image comprising the target organ (see col. 13 lines 31-67), and a quality control system arranged to guard a spatial accuracy of the above

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system and method that includes a computing unit that comprises means for performing all the limitations above (see col. 13 lines 31-67 and "Example" section starting in col. 14).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGEL FONTENOT whose telephone number is (571)270-7032. The examiner can normally be reached on Monday-Friday (7:00a-4:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Long Le can be reached on 571-272-0823. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/N. F./
Examiner, Art Unit 3768

/Long V Le/
Supervisory Patent Examiner, Art Unit 3768